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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jennylynn Adamwicz, an individual,

Plaintiff,

vs.

Keolis Transit Services, LLC, a foreign corporation;
Does I through X; and Roe Entities I through X,

Defendants.

Case No.: 3:22-cv-33

**Keolis Transit Services, LLC's Petition
for Removal**

Keolis Transit Services, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges she is a Californian.¹ Keolis Transit Services, LLC is a wholly owned subsidiary of Keolis Transit America, Inc., a Delaware corporation with its principal place of business in Massachusetts. Plaintiff alleges injury from an incident that occurred on September 6, 2019.² Although the complaint listed the Regional Transportation Commission of Washoe County, that entity was subsequently dismissed.³ Keolis is the only remaining defendant.

As to the amount in controversy, on January 11, 2022 Plaintiff filed a motion in state court to exempt her case from a program intended for cases where the amount in controversy is \$50,000

¹ ECF No. 1-2 at ¶ 2.

² *Id.* at ¶ 8.

³ ECF No. 1-4.

1 or less. Plaintiff asserted exemption was warranted because Plaintiff has medical bills in excess of
2 \$30,543.65.⁴

3 In prior cases in this district, the types of injuries and damages asserted here have indicated
4 an amount in controversy exceeding \$75,000. In *Doelamo v. Karl-Heinz* the defendant argued
5 more than \$75,000 was in dispute because plaintiff alleged “approximately \$22,000 in past
6 medical damages, and he argues that it is more likely than not that if Plaintiff is successful on his
7 claims for lost wages, future medical damages for his ‘permanent’ condition(s), past and future
8 pain and suffering, and attorney’s fees, he will recover more than \$75,000 total in the case.”⁵ This
9 was sufficient to create subject matter jurisdiction.

10 In the Court’s experience, a personal injury claim including \$22,000 in past medical
11 bills will normally include a plea to a jury for several times this amount in future
12 medical bills, particularly where one alleges a permanent condition related to the
13 injury. The Court can conclude this without even considering pain and suffering, lost
14 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it
is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little
doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this
Court or in state court.

15 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and
16 future medical treatment and property damage.⁶ “The remaining question is whether more than
17 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of
18 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

19 In *Perreault v. Wal-Mart Stores, Inc.* the complaint sought an amount in excess of
20 \$10,000.00, as well as special damages, reasonable attorney’s fees, costs, and other appropriate
21 relief.⁷ The plaintiff provided an itemized list of her then-current medical costs, totaling
22 \$38,769.60 and noted that her medical bills were continuing to “trickle in.” The amount in
23 controversy threshold was satisfied as “it appears likely that plaintiff’s total requested damages
24 exceed \$75,000.00.”

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26
27 ⁴ ECF No. 1-6.

⁵ No. 2:14-cv-339, 2014 U.S. Dist. LEXIS 72664 (D. Nev. May 27, 2014).

⁶ No. 2:13-cv-316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

⁷ No. 2:16-cv-809, 2016 U.S. Dist. LEXIS 115591 (D. Nev. Aug. 29, 2016).

Given these facts, diversity of citizenship is present, the amount in controversy exceeds \$75,000, and the removal petition was timely filed.

DATED this 21st day of January, 2022.



BY: /s/ Michael Lowry
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Certificate of Service

Pursuant to Rule 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on January 21, 2022, I served **Keolis Transit Services, LLC's Petition for Removal** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Tanner Churchill Anderson 4001 Meadows Lane Las Vegas, NV 89107 Attorneys for Jennylynn Adamwicz	
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BY: /s/ Michael Lowry
 An Employee of

